

IN THE UNITED STATES DISTRICT COURT  
FOR SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

ALBERTO PATINO,  
MARIA DEL ROSARIO  
MARTINEZ,  
MARIA MARI,  
RODOLFO R. TENREIRO,  
PATRICIA GONZALES,

Plaintiffs,

V.

Civil Action No. 4:14-cv-03241

CITY OF PASADENA,  
Mayor JOHNNY ISBELL,  
Council members ORNALDO  
YBARRA,  
BRUCE LEAMON, DON  
HARRISON,  
PAT VAN HOUTE,  
CODY RAY WHEELER, PHIL  
CAYTEN,  
STEVE COTE, and  
DARRELL MORRISON,

Defendants.

**DEFENDANTS CODY RAY WHEELER, ORNALDO YBARRA, AND DON  
HARRISON’S ORIGINAL ANSWER TO PLAINTIFFS’ ORIGINAL  
COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

NOW COMES Defendants Cody Ray Wheeler, Ornaldo Ybarra, and Don Harrison, (hereinafter referred to as “Defendants”), and makes and files this their Original Answer to Plaintiffs' Original Complaint for Declaratory and Injunctive

Relief and would respectfully show unto this Honorable Court as follows:

**I.**

**SPECIFIC ADMISSIONS AND DENIALS**

Defendants hereby respond to Plaintiffs' Original Complaint for Declaratory and Injunctive Relief:

1. Defendants are without knowledge or information sufficient to allow them to form a belief as to the truth of the allegations in this paragraph.<sup>1</sup>
2. Paragraph 4 of the Original Complaint contains no allegations, and therefore does not require either admission or denial by these Defendants.
3. Defendants admit the allegations contained in Paragraph 3 of the Original Complaint insofar as the Court does not deny the Court has jurisdiction and that this case was brought in the proper venue.
4. Defendants are without knowledge or information sufficient to allow them to form a belief as to the truth of the allegations in this paragraph.
5. Defendants are without knowledge or information sufficient to allow them to form a belief as to the truth of the allegations in this paragraph.
6. Defendants are without knowledge or information sufficient to allow them to form a belief as to the truth of the allegations in this paragraph.

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<sup>1</sup> The paragraph numbers in the Answer track those in the Second Amended Original Complaint.

7. Defendants are without knowledge or information sufficient to allow them to form a belief as to the truth of the allegations in this paragraph.
8. Defendants are without knowledge or information sufficient to allow them to form a belief as to the truth of the allegations in this paragraph.
9. Defendants admit the allegations contained in Paragraph 9 of the Original Complaint.
10. Defendants admit the allegations contained in the first sentence of Paragraph 9 of the Original Complaint. The remainder of this paragraph contains no allegations, and therefore does not require either admission or denial by these Defendants.
11. Defendants admit the allegations contained in Paragraph 11 of the Original Complaint.
12. Defendants are without knowledge or information sufficient to allow them to form a belief as to the truth of the allegations in this paragraph.
13. Defendants admit the allegations contained in Paragraph 13 of the Original Complaint.
14. Defendants admit the allegations contained in Paragraph 14 of the Original Complaint.

15. Defendants are without knowledge or information sufficient to allow them to form a belief as to the truth of the allegations in this paragraph.
16. Defendants admit the allegations contained in Paragraph 16 of the Original Complaint.
17. Defendants admit the allegations contained in Paragraph 17 of the Original Complaint.
18. Defendants admit the allegations contained in Paragraph 18 of the Original Complaint.
19. Defendants admit the allegations contained in Paragraph 19 of the Original Complaint.
20. Defendants admit the allegations contained in Paragraph 20 of the Original Complaint.
21. Defendants admit the allegations contained in Paragraph 21 of the Original Complaint.
22. Defendants admit the allegations contained in Paragraph 22 of the Original Complaint.
23. Defendants admit the allegations contained in Paragraph 23 of the Original Complaint.

24. Defendants admit the allegations contained in Paragraph 24 of the Original Complaint.
25. Defendants admit the allegations contained in Paragraph 25 of the Original Complaint.
26. Defendants admit the allegations contained in Paragraph 26 of the Original Complaint.
27. Defendants admit the allegations contained in Paragraph 27 of the Original Complaint.
28. Defendants admit the allegations contained in Paragraph 28 of the Original Complaint.
29. Defendants admit the allegations contained in Paragraph 29 of the Original Complaint.
30. Defendants are without scientific analysis at this time to allow them to form a belief as to the truth of the allegations in this paragraph however they believe it to be true.
31. Defendants admit the allegations contained in Paragraph 31 of the Original Complaint.
32. Defendants admit the allegations contained in Paragraph 32 of the Original Complaint.

33. Defendants admit the allegations contained in Paragraph 33 of the Original Complaint.
34. Defendants admit the allegations contained in Paragraph 34 of the Original Complaint.
35. Defendants admit the allegations contained in Paragraph 35 of the Original Complaint.
36. Defendants admit the allegations contained in Paragraph 36 of the Original Complaint.
37. Defendants admit the allegations contained in Paragraph 37 of the Original Complaint.
38. Defendants admit the allegations contained in Paragraph 38 of the Original Complaint.
39. Defendants are without scientific analysis at this time to allow them to form a belief as to the truth of the allegations in this paragraph however they believe it to be true.
40. Defendants admit the allegations contained in Paragraph 40 of the Original Complaint.
41. Defendants admit the allegations contained in Paragraph 41 of the Original Complaint.

42. Defendants admit the allegations contained in Paragraph 42 of the Original Complaint.
43. Defendants admit the allegations contained in Paragraph 43 of the Original Complaint.
44. Defendants admit the allegations contained in Paragraph 44 of the Original Complaint.
45. Defendants admit the allegations contained in Paragraph 45 of the Original Complaint.
46. Defendants are without knowledge or information sufficient to allow them to form a belief as to the truth of the allegations in this paragraph.
47. Paragraph 47 of the Original Complaint contains no allegations, and therefore does not require either admission or denial by these Defendants.
48. Defendants admit the allegations contained in Paragraph 38 of the Original Complaint.
49. Paragraph 49 of the Original Complaint contains no allegations, and therefore does not require either admission or denial by these Defendants.
50. Defendants are without knowledge or information sufficient to allow them to form a belief as to the truth of the allegations in this paragraph.

51. Paragraph 51 of the Original Complaint contains no allegations, and therefore does not require either admission or denial by these Defendants.
52. Defendants are without knowledge or information sufficient to allow them to form a belief as to the truth of the allegations in this paragraph.
53. The portion of the Complaint entitled "Prayer" contains no allegations, and therefore does not require either admission or denial by these Defendants.

### **PRAYER**

WHEREFORE, PREMISES CONSIDERED, Defendants Cody Ray Wheeler, Orinaldo Ybarra, and Don Harrison pray that the Court demand strict proof of Plaintiffs' claims and that should the evidence not support those claims, that Plaintiffs take nothing by reason of this suit; that the Court issue Final Judgment in favor of these Defendants.

Dated this 22nd day of January, 2015.

Respectfully Submitted,

**BRAZIL & DUNN**

/s/Chad W. Dunn

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 22nd day of January, 2015, I electronically submitted the foregoing document with the Clerk of the United States District Court for the Southern District of Texas, Houston Division, using the electronic case filing system of the Court. I have served counsel of record listed below via electronic transmission through the Court's ECF system:

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/s/ Chad W. Dunn

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